

EXHIBIT 1

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF MISSOURI
3 EASTERN DIVISION

4 JAMES CODY, et al.,)
5)
6 Plaintiffs,)
7 vs.) Case No.:
8 CITY OF ST. LOUIS,) 4:17-cv-2707
9 Defendant.)
10)
11)
12)

13 DEPOSITION OF JOSEPH GUNJA
14 (Videoconference via Zoom)

15
16 Springfield, Missouri
17 June 28, 2021
18 9:16 a.m.
19
20
21
22

23 REPORTED BY:
24 Kristy A. Ceton, RPR
25 AZ Certified Court Reporter No. 50200

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1 A. Okay. Yeah.

2 Q. Okay. And you'll see that it was signed
3 by Mr. Vail, the Vail report on September 27th, 2019,
4 correct?

5 A. Yes.

6 Q. So the Vail report was completed before
7 you started work on your report, correct?

8 A. Correct. Yep. Yeah. Because I didn't
9 even start the case until 20-- 2020.

10 Q. Right.

11 Did you review or rely on the Vail report
12 in forming the opinions set forth in your report?

13 A. No.

14 Q. Okay. Now, if you turn to Exhibit 2, at
15 the back of the Vail report, which I'll show you on
16 my screen. Do you see Exhibit 2 here at the back of
17 the Vail report?

18 A. Yes. And that's a document?

19 Q. Correct.

20 A. Okay.

21 Q. Now, if you could compare the case
22 resources listed on pages 2 through 4 of your report
23 to the first three pages of Exhibit 2 of the Vail
24 report, do you see that pages 2 through 4 of your
25 report appear to be a verbatim copy of the first

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1 **three pages of Exhibit 2 of the Vail report?**

2 A. They do look close, yes.

3 **Q. Do you know why that is?**

4 A. No, I don't.

5 **Q. Well, you had indicated that you had**
6 **typed -- you had previously testified that you had**
7 **typed the materials listed in Roman numeral II, Case**
8 **Resources, on pages 2 through 4 of your report,**
9 **correct?**

10 A. Yes.

11 **Q. But given the fact that the Exhibit 2 in**
12 **the Vail report, which was prepared months prior to**
13 **your report, appears to be a verbatim copy -- or your**
14 **report appears to be a verbatim copy of Exhibit 2 of**
15 **the Vail report, is it still your testimony that you**
16 **typed Exhibit -- you typed the list of materials**
17 **under Case Resources in Exhibit -- in pages 2 through**
18 **4 of your report?**

19 A. Well, I don't know how else it would get
20 on my report unless I typed it in there.

21 **Q. But you had also testified that you**
22 **hadn't neither seen nor read the Vail report in**
23 **preparing your report, correct?**

24 A. Correct. But I -- No. I reviewed this
25 report, because this report was before I had even

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1 been contacted. I had -- yes, this was one of the
2 reports that I had been provided.

3 **Q. Okay. I mean, if you look, for instance,**
4 **if you look at your Case Resources, section 1, item**
5 **1, Vail Affidavit, August 30th, 2018, you see there's**
6 **a spare comma after --**

7 A. Yeah.

8 **Q. -- Vail Affidavit, August 30th, 2018?**

9 **And then if I go to Mr. Vail's Exhibit 2,**
10 **Vail Affidavit, August -- there's also a spare comma**
11 **after that. So do you agree that it looks as if the**
12 **Case Resources listed on pages 2 through 4 of your**
13 **report have been cut and pasted from the first three**
14 **pages of Exhibit 2 in the Vail report?**

15 A. It looks similar. If you're asking me if
16 I cut and pasted, the answer is no. I mean, if
17 you're asking me if I did that, just say it. I did
18 not cut and paste. I don't do that off pdf files. I
19 may do it off Word files that I have in previous
20 cases of my own.

21 But all I can tell you is I reviewed his
22 and reviewed what I looked at. I typed them in of
23 what the documents I was provided to review.

24 **Q. And did -- well, when you typed them in,**
25 **did you -- did you type them in by copying Exhibit 2**

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1 **of Mr. Vail's report?**

2 A. No. Not that I can recall. I mean, I
3 don't -- you keep asking me if I cut and pasted. I
4 did not cut and paste. But I also reviewed other
5 reports to see if -- if the other expert for the
6 defense that's -- to make sure I had the same
7 information that he had or she, whoever the other
8 people were. So...

9 **Q. Okay. Are the documents and materials**
10 **listed under Roman numeral II, Case Resources, in**
11 **your -- on pages 2 through 4 of your report, is that**
12 **a complete list of the documents and materials that**
13 **you relied on in forming the opinions set forth in**
14 **your report?**

15 A. Yeah. It's what I provided. I was
16 provided with the documents.

17 **Q. Okay.**

18 A. But if you're asking me if I used every
19 document to make my -- to form my opinions on, I used
20 them all as resources to form my opinion on. But if
21 we went by one, by one, by one, I can't honestly tell
22 you I used every one.

23 **Q. Well, do you know if there are documents**
24 **that you relied on in preparing your report that are**
25 **not listed on pages 2 through 4 of your report?**